



SO ORDERED.

SIGNED this 3 day of December, 2015.



David M. Warren
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

IN RE:

LAURA K. PENNINGER
Debtor(s)

Case No: 13-02510-8-DMW

Chapter 13

**CONSENT ORDER MODIFYING AUTOMATIC STAY AS TO REAL PROPERTY
LOCATED AT 7549 HWY 55, DOVER, NORTH CAROLINA**

The parties, by and through their respective undersigned counsel, hereby agree that this Order may be entered by consent, that the automatic stay as to real property located at 7549 Hwy 55, Dover, North Carolina be modified in order to allow Wells Fargo Mortgage to exercise its contractual state law remedies against that property. Based on the agreement and stipulations between the parties, the Court makes the following findings of fact and conclusions of law:

1. On April 17, 2013, Laura K. Penninger (the "Debtor") filed a Chapter 13 Petition.
2. On May 24, 2013, the Section 341 Meeting was held.
3. On July 2, 2013, the Court confirmed the Debtor's Chapter 13 Plan.
4. On December 30, 2013, the Court granted Debtor's Motion for Private Sale to allow her to sell her interest in real property located at 7549 Hwy 55 West, Dover, North Carolina, noting in its order that the proposed sale would satisfy the debt to Wells Fargo Mortgage.
5. The sale contemplated by the Debtor's Motion for Private Sale did not occur; as a result, Wells Fargo Mortgage has not been paid in full, and, but for the automatic stay, Wells

Fargo Mortgage would be entitled to exercise its contractual and state law remedies against the real property located at 7549 Hwy 55 West, Dover, North Carolina.

6. The Debtor hereby consents to modification of the automatic stay to permit Wells Fargo Mortgage to exercise its contractual state law remedies against the real property located at 7549 Hwy 55 West, Dover, North Carolina.

7. That the parties agree to the following findings of fact and conclusions of law: that but for the automatic stay Wells Fargo Mortgage would be entitled to foreclose on real property located at 7549 Hwy 55 West, Dover, North Carolina or otherwise exercise remedies available to it under contract and applicable law as a result of its liens in the property; that Wells Fargo Mortgage demonstrated cause to lift the automatic stay pursuant to Sections 362 as to real property located at 7549 Hwy 55 West, Dover, North Carolina; and that Rule 4001(a)(3) should be waived with respect to this bankruptcy proceeding.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows

1. That the automatic stay pursuant to Section 362 is hereby modified as to certain tracts or parcels of land located at 7549 Hwy 55 West, Dover, North Carolina for the purpose of permitting Wells Fargo Mortgage to foreclose on or otherwise exercise remedies available to it under contract or applicable law as to the property; and

2. That Rule 4001(a)(3) is hereby waived with respect to this bankruptcy proceeding.

WITH CONSENT:

/s/ William Harris

William Harris

Attorney for Wells Fargo Mortgage

/s/ Allen Murphy

Allen Murphy

Attorney for Debtor

/s/ Sarah Beth Withers

Sarah Beth Withers

Staff Attorney for Richard m. Stearns, Chapter 13 Trustee

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